IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 27884 of 2004(T)

PETITIONER:

HAJARABI, AGED 42 YEARS,
W/O. KUNJIMAKKACHALIL SIRAJ AND
D/O. MOHAMMED SAGEER, EDATHURUTHY POST,
KUTTAMANGALAM, KODUNGALLUR.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS:

---

1. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR, THRISSUR.

2. THE TAHSILDAR (R.R),
KODUNGALLUR TALUK, P.O. KODUNGALLUR.

3. THE VILLAGE OFFICER,
EDATHIRUTHY VILLAGE, EDATHIRUTHY.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.27884/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PLAIN FILED BY THE PETITIONER DATED 4.9.2004 BEFORE THE MUNSIFF COURT, KODUNGALLUR.

EXT.P2: COPY OF THE ORDER OF THE MUNSIFF COURT KODUNGALLUR DATED 4.9.2004 IN UNNUMBERED O.S.

EXT.P3: COPY OF THE JUDGMENT REPORTED IN 1997 (2) 597.

/TRUE COPY/

P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 27884 of 2004

Dated this the 26th day of June 2007

JUDGMENT

Even though Sri.V.M.Krishna Kumar, the learned counsel for the petitioner would strenuously submit before me that the impugned order i.e. Ext.P2 by which the petitioner plaintiff has been directed to re-value the suit in terms of the provision to Section 27(C) is vitiated, and the judgment of this court in **Itty v. State of Kerala (1997 (2) KLT 597)** was strongly relied on, I find myself unable to accept the arguments. As rightly noticed in a subsequent judgment of this court reported in **Kunharamu v. Kunhalankutty (2003 (1) KLT 216)** Itty's was a case where the suit was not for injunction, but it was one for declaration of title. The present suit is one simplicitor for injunction. Facts obtained in the present suit are very much similar to the facts which obtained in Kunharamu's case. It cannot be said that the learned Munsiff's order, relying on the

judgment in Kunharamu's case warrants interference of the supervisory jurisdiction of this court under Article 227 which is a visitorial one and is expected to invoked only in exceptional cases. Challenge against Ext.P2 fails . Dismissed.

PIUS C. KURIAKOSE,
JUDGE.